



THE STATE

Immigration Attorney for 7 Detainees Lashes Out at INS

Lawyer says the Patriot Act has been applied unevenly, resulting in 'atrocious and inhumane' treatment.

By Tony Perry
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SAN DIEGO -- An immigration attorney Sunday accused the Immigration and Naturalization Service of subjecting her clients to "atrocious and inhumane" treatment after they were arrested last week as part of the USA Patriot Act registration program for men from five Muslim countries.

The San Diego case also brings up an issue that the federal government has yet to fully address -- reports of widely differing treatment accorded detainees, depending on where they live.

Banafsheh Akhlaghi, an immigration attorney from San Francisco, said her seven clients, all from the Bay Area, are "shackled at the hands and waist" and denied permission to see their families. Akhlaghi said she does not quarrel with the law but finds its application differs greatly in different locales.

In Los Angeles, she noted, most men who were detained after voluntarily appearing at INS facilities Monday were later allowed to post bail. Most were "over-stayers," which is government jargon for people who have remained in the U.S. after expiration of their temporary visas.

But in the San Francisco Bay Area, Akhlaghi said, those who were detained were subjected to a multi-state odyssey as federal officials hunted for empty jail cells. Her clients, she said, were bused to Oakland and then flown to Arizona, Chicago, Kentucky and Bakersfield before returning to Oakland for the flight to San Diego, where they are being held in a privately run jail under contract to the city of San Diego.

INS officials have conceded that their system was swamped by the last-minute crush of young men and boys from Iran, Iraq, Sudan, Syria and Lybia seeking to comply with the law. The crush, officials said, has caused problems in finding space for those being detained.

The INS registration program, mandated for people from the five countries who are in the United States on temporary visas, led to the detention on immigration violation charges of as many as several hundred, some of whom had nearly completed the process for legal residency.

"We'd like to see the INS clear up some of the procedure," Akhlaghi said. "It doesn't seem like they know what they are doing. We just want uniformity and fairness."

Nilo Mukhtar of San Francisco, an immigrant from Afghanistan, came to San Diego in hopes of seeing her husband, an Iranian who was detained because his visa has expired.

"I think this is absurd," Mukhtar said. The INS, she said, is "not giving us any answers or letting us know what's going on."

Akhlaghi said she would attempt to gain her clients' release by going to immigration court today, although she does not have an appointment on the court calendar. With two of three immigration judges on vacation, her clients may not get a hearing until Jan. 9 or 10, she said.

"The court system does not even recognize them," Akhlaghi said. "They still have rights as noncitizens."

The plight of the Bay Area detainees has gained the sympathy of Rep. Mike Honda (D-San Jose), who was sent to an internment camp with his family during World War II. Honda, in a prepared statement, said he questions "whether it is wise to seemingly punish persons who voluntarily agreed to cooperate." He added, "I doubt that persons guilty of terrorist activities would voluntarily cooperate with the INS."

The arrests, he said, "have unnecessarily caused more fear and distrust" among immigrants from Muslim countries.

Also on Sunday, more than 100 protesters from San Diego's Iranian community demonstrated outside the downtown federal courthouse, carrying signs decrying the INS roundup. "We're in support of steps the government is taking to prevent terrorism, but this is going too far," said Samira Rostami, 17, a high school senior. "This isn't what America is supposed to be about."